



# Judicial Highlights 2004

#### ∴ New Chief Justice Elected

Justice Gerald Schroeder, who has served in the Idaho judiciary longer than any other current judge, succeeded Justice Linda Copple Trout as Chief Justice of the Idaho Supreme Court during 2004. Justice Trout had served an unprecedented two consecutive, four-year terms as Chief. Chief Justice Schroeder said his main focus would be to follow on the excellent job Justice Trout has done as the leader of the Idaho Courts. He emphasized the creation of Drug Courts in each judicial district, enhanced access to the Court, and creation of Court Assistance Offices as major, recent accomplishments of the Idaho Courts.

#### ☼ Former AG Now Idaho Supreme Court Justice

Former Idaho Attorney General Jim Jones was elected Justice of the Idaho Supreme Court, effective January 2005. Justice Jones replaced retiring Justice Wayne Kidwell, also a former Idaho Attorney General. Justice Jones was elected Attorney General in 1982. He practiced law in Jerome after completing law school at Northwestern University. Justice Jones also attended Idaho State University and the University of Oregon.

#### ☼ Legislature Authorizes Additional Funds for Idaho Courts

The 2004 Idaho legislature was a largely status quo session for most of state government, the Idaho Courts included. There were no new enhancements in budgets approved for the courts, but the legislature did authorize a 2% increase in salaries for judges and other court employees, as well as an appropriation

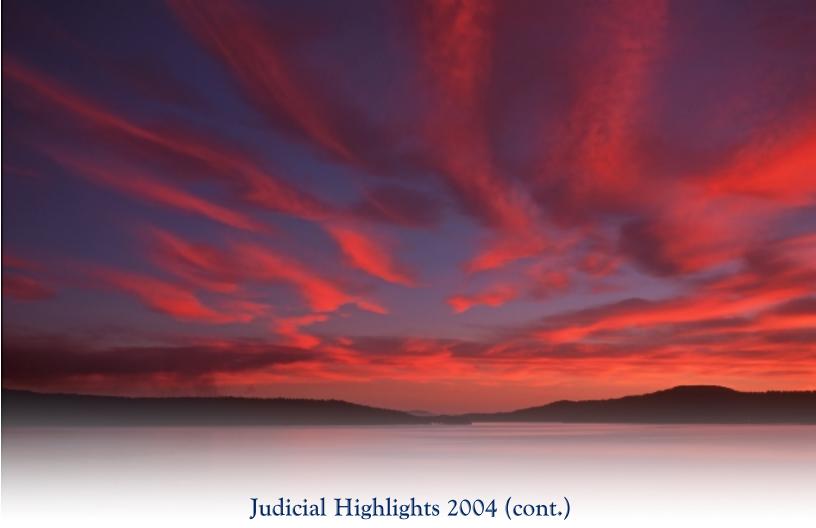
of \$270,000 from the Millennium Fund to the Idaho Supreme Court for its youth courts and status offender services programs as they relate to addressing tobacco and/or substance abuse issues.

### **△ Court Adopts CAO Rule**

The Idaho Supreme Court adopted a new rule, I.C.A.R. Rule 53, effective October 1, 2004, providing for enhanced uniformity in the operations of Idaho's successful Court Assistance Offices. Judges Joel Horton and Michael Dennard spearheaded the effort to create a consistent, statewide approach to operations of the offices. The state's various CAO's were developed using a variety of approaches, but over time have become an extension of the Idaho courts, providing a highly visible service to the public.

# △ Lyon Retires as Court Clerk; Kenyon Appointed

For more than 22 years Fred Lyon served as Clerk of the Idaho Supreme Court, and Court of Appeals performing vital support to the Court, scheduling the hundreds of cases that come to the Court every year, and issuing opinions when cases are decided. Lyon said, "When I started there were three people and me and we were handling 25 to 30 appeals per month. Now I have six people, and with the addition of the Idaho Court of Appeals we now handle over a 100 cases per month." The Court selected Steve Kenyon as the new clerk of the Supreme Court and the Court of Appeals, effective January 2005.



# ದು Mental Health Court Graduates First

Idaho's first Mental Health court graduation was held in April 2004 in Rexburg. Judge Brent Moss and Judge Richard St. Clair presided over the Court, which was able to mandate medication and daily monitoring in order that participants were able to learn about the symptoms of their illness and the necessity of taking responsibility for treating their conditions. As a result, "Folks can become fairly stable over time," Judge Moss said, and "become contributing citizens."

**Participant** 

### ₼ Henderson Named Court Legal Counsel

Michael A. Henderson, the long-time chief of the Criminal Division in the Idaho Attorney General's office, became the new Legal Counsel to the Idaho Judiciary during 2004. Henderson headed the Criminal Division since 1997 and had been with that office since 1985. Henderson is a graduate of the Brooklyn Law School and did his undergraduate work at the State University of New York in Stony Brook.

## ಗು Drug and Family Courts Service Expand

Idaho's drug courts continued solid growth and widespread success during 2004 and more than 60,000 Idahoans received

Coordinated Family Court Services through Court Assistance Offices, Family Court Services Coordinators, parent education and other direct services. Idaho now has 38 operating drug courts. In all, during 2004, drug courts accepted 731 new offenders and graduated 347. Idaho's expanding drug court capabilities continue to save the state millions of dollars in incarceration and drug addicted baby costs. Idaho's Family Court Services efforts continue to reduce conflicts, protect children and increase positive outcomes for families.

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Bannock County's Sixth District Judge Randy Smith and Magistrate Judge Bryan Murray were 2004 recipients of Idaho's top judicial awards. Idaho's then Chief Justice Linda Copple Trout presented Judge Smith with the George G. Granata, Jr. Award for Professionalism. Court of Appeals Chief Judge Karen Lansing presented Judge Murray with the Douglas C. Kramer Award in recognition of excellence in judicial administration in Idaho.



# Judicial District Highlights 2004

#### **First Judicial District**

- Penny Friedlander was appointed Kootenai County Magistrate
  Judge following the retirement of long time Magistrate Judge
  Don Swanstrom, who also served as the Judicial District's Trial
  Court Administrator.
- The new ISTARS system was installed in Shoshone and Boundary Counties and upgrades of existing ISTARS software was accomplished in Benewah and Bonner Counties.
- Kootenai County magistrate judges established a monthly parenting workshop for parents in all custody cases. Bonner County continues to operate monthly parenting workshops staffed by Judges Heise and Buchanan.
- District Judge John Mitchell initiated a Mental Health Court in Kootenai County, the second in the state; he is assisted by Magistrate Judge Scott Wayman.

#### **Second Judicial District**

- ISTARS was installed in Clearwater and Lewis Counties, completing the transition of all the counties in the Second District to the new program.
- Judge Randall Robinson, formerly managing attorney for the Lewiston office of Idaho Legal Aid, succeeded retiring Magistrate Judge Orin "Lee" Squire of Clearwater County.
- The Second Judicial District initiated two federally funded training programs during the year Family Court Planning Initiative and Juvenile Drug Court Planning Initiative leading to the implementation of a Juvenile Drug Court Pilot Project in Latah County.

#### Third Judicial District

- A quad-county drug court established in 2003, serving Adams, Washington, Payette and Gem counties, held it's first graduation. Payette County Magistrate Judge Lynne Krogh presides over the quad-county drug court.
- Construction of a new district court courtroom and library was completed during 2004 at the Canyon County Courthouse.

  The library is equipped with a computer terminal that will allow local attorneys to access their CaseMaker accounts to conduct any necessary on-line legal research while they are visiting the courthouse.
- Gem County's Magistrate Judge Gordon Petrie was called to active military duty and eventual deployment to Iraq in June of 2004. Judge Petrie is a Lt. Colonel in the Idaho Army National Guard and is the Public Affairs Officer for the 116th Brigade.

#### **Fourth Judicial District**

- A Web-based juror qualification and summons process was implemented in Ada County, leading to a variety of cost savings and enhancement of services for the public.
- A resource manual of treatment providers and programs was compiled and distributed to Ada County judges to aid in court referrals. Additionally, two internet-based treatment programs were added to the county's court list of DUI treatment providers.



# Judicial District Highlights 2004 (cont.)

### Fourth Judicial District (cont.)

- Ada County implemented a cross-training program between the Trial Court Administrator (TCA), administrative secretaries and the judges' legal secretaries. New procedures were also initiated for the TCA's receipt and distribution of state Pre-sentence Investigation (PSI) reports to judges, attorneys and parties.
- Valley County conducted a security assessment of the Valley County Courthouse and started construction on the courthouse addition.

#### Fifth Judicial District

- Benchmark Grant funds made a new "Strengthening the Family" program available for Drug Court attendees' participation.
- Second Court Interpreter became certified.
- Anita Jones became new Family Court Coordinator for the Fifth District during 2004.

#### **Sixth Judicial District**

- Edie Izatt Bush, Caribou County Clerk of the District Court, recovered miraculously from a very serious illness she contracted last Fall. Personnel in the district consider her recovery one of the greatest highlights of this year.
- A total of 56 drug court participants successfully completed all drug court components in 2004. Among these defendants, there were two drug free babies born.
- Judge Randy Smith was awarded the Hero Award, as the annual SoberFest Celebrity for his effort in advancing substance abuse treatment in the region.

#### **Seventh Judicial District**

- The District's Mental Health Courts had their first graduation during 2004. Six graduated from the Felony/Misdemeanor Mental Health Court and ten from the Magistrate Mental Health Court.
- Operations of 14 Drug Courts continued in six counties -Bingham, Bonneville, Jefferson, Madison, Fremont and Teton with 250 plus participants.

# New Judges, Retirements, and Transitions in 2004

#### SUPREME COURT

Honorable Jim Jones Supreme Court Justice January 2005

#### **DISTRICT COURT**

#### 1st Judicial District

Honorable Penny Freidlander Magistrate Judge, Kootenai County July 2004

#### **2nd Judicial District**

Honorable Randall W. Robinson Magistrate Judge, Clearwater County January 2005

#### **3rd Judicial District**

Honorable Debra A. Orr Magistrate Judge, Canyon County July 2004

#### 4th Judicial District

Honorable James Cawthon Magistrate Judge, Ada County June 2004

Honorable Roger Cockerille Magistrate Judge, Boise County June 2004

Honorable Michael Reardon Magistrate Judge, Ada County January 2005

#### **5th Judicial District**

Honorable Robert J. Elgee District Judge June 2004

Honorable Casey Robinson Magistrate Judge, Gooding County July 2004

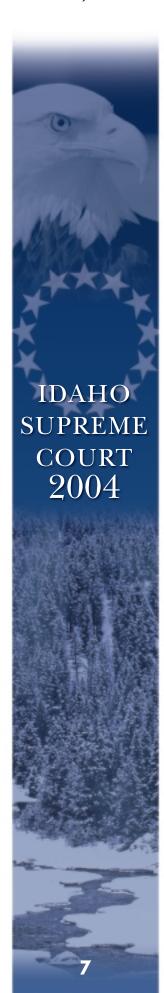
Honorable R. Ted Israel Magistrate Judge, Blaine County August 2004

#### **6th Judicial District**

Honorable Rudolph 'Rick' Carnaroli Magistrate Judge, Bannock County October 2004

#### 7th Judicial District

Honorable Scott Hansen Magistrate Judge, Bingham County October 2004



#### **SUPREME COURT**

Honorable Wayne L. Kidwell Supreme Court Justice Retired December 2004

#### **DISTRICT COURT**

#### 1st Judicial District

Honorable Don Swanstrom Magistrate Judge, Kootenai County Trial Court Administrator Retired June 2004

#### **2nd Judicial District**

Honorable Orin Lee Squire Magistrate Judge, Clearwater County Retired December 2004

#### **3rd Judicial District**

Honorable Todd Joyner Magistrate Judge, Canyon County Resigned April 2004

#### 4th Judicial District

Honorable John Dutcher Magistrate Judge, Ada County Retired May 2004

Honorable Patricia Young Magistrate Judge, Boise County Retired June 2004

Honorable Tom Morden Magistrate Judge, Ada County Retired December 2004

#### 5th Judicial District

Honorable James T. May District Judge Retired May 2004

Honorable Kevin Cassidy Magistrate Judge, Gooding County Resigned June 2004

Honorable Robert J. Elgee Magistrate Judge, Blaine County Appointed District Judge June 2004

#### **6th Judicial District**

Honorable R. Ted Israel Appointed Magistrate Judge, Blaine County August 2004

#### 7th Judicial District

Honorable Jim Archibald Magistrate Judge, Bingham County Resigned June 2004



JUSTICE GERALD F. SCHROEDER Chief Justice



JUSTICE LINDA COPPLE TROUT Vice Chief Justice



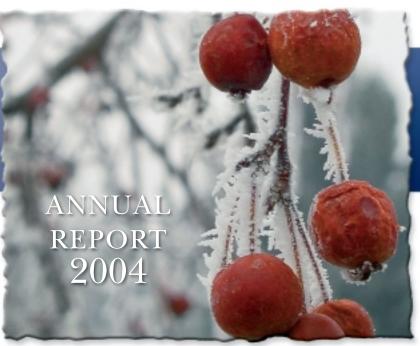
JUSTICE DANIEL T. EISMANN
Justice



JUSTICE ROGER S. BURDICK
Justice



JUSTICE JIM JONES
Justice



### **2004 Administrative District Judges**

Hon. Charles Hosack, 1st Judicial District Hon. John Stegner, 2nd Judicial District Hon. James C. Morfitt, 3rd Judicial District Hon. Darla Williamson, 4th Judicial District Hon. Barry Wood, 5th Judicial District Hon. Randy Smith, 6th Judicial District Hon. James C. Herndon, 7th Judicial District

#### **2004 Trial Court Administrators**

Hon. Debra Heise, Acting Trial Court Administrator, 1st Judicial District
Steven Caylor, 2nd Judicial District
Dan Kessler, 3rd Judicial District
Larry Reiner, 4th Judicial District
Linda Wright, 5th Judicial District
Suzanne Johnson, 6th Judicial District
Burton Butler, 7th Judicial District

## **Contributing to the Report:**

Patricia Tobias, Administrative Director of the Courts John Peay, Director of Information Systems Corrie Keller, Director of Court Services Shirley Throop, Executive Assistant

Justice Wayne Kidwell of the Idaho Supreme Court has graciously supplied the photographs that appear in the Court's 2004 Annual Report. Justice Kidwell's photographs beautifully represent the incredible splendor of Idaho.



# Caseload Highlights 2004

- A record number of appeals were filed with the Supreme Court during 2004. A total of 991 appeals were filed, which is a 3.6% increase over the number filed the previous year.
- For the eighth year in a row, district court felony drug filings continued to pour into the system. The 4,445 felony drug filings for 2004 represents an increase of 10% over the numbers reported for 2003. For comparison purposes, ten years ago, there were 1,737 district court felony drug filings.
- Civil case filings levels in the district court remained at a level nearly identical to the numbers filed for the previous two years. For 2004, 7,107 civil cases were filed.
- Domestic violence filings declined for the first time since 2000. At the end of calendar year 2004, 5,812 domestic violence cases were filed, a drop of 1.6% from the figures reported for 2003.
- Misdemeanor DUI filings continue to drop. During 2004 a total of 9,751 cases were filed. When compared to the cases filed in calendar year 2001, misdemeanor DUI filings have declined by nearly 15%.
- Small claims filings appear to have leveled off. For 2004, a total of 21,468 small claims cases were filed.
- Juvenile case filings report an increase for the first time since 2000. During 2004, a total of 12,819 juvenile cases were filed, an increase of 3.5% over the number reported just one year earlier.
- with 216,406 infractions being filed during 2004. When compared to the numbers filed for 2003, infraction filings are down by 2.5%.

District Court Cases Filed										
									% Change	% Change
	1997	1998	1999	2000	2001	2002	2003	2004	2003-2004	1997-2004
Civil	5,664	5,566	5,909	5,881	6,759	7,274	7,198	7,107	-1.3%	+25.4%
Criminal	10,544	11,510	11,126	11,118	11,262	11,245	12,227	12,591	+2.9%	+19.4%
Special	390	360	465	378	550	590	594	660	+11.0%	+69.2%
TOTAL	16,598	17,436	17,500	17,377	18,571	19,109	20,019	20,358	+1.7%	+22.6%
Magistrate Division Cases Filed  % Change % Change										
	1997	1998	1999	2000	2001	2002	2003	2004	2003-2004	1997-2004
Civil	69,787	67,829	69,809	72,797	74,503	79,780	83,137	85,374	+2.6%	+22.3%
Criminal	147,497	155,709	151,048	144,637	136,594	128,691	126,462	127,937	+1.1%	-13.3%
Infractions	215,410	231,764	227,315	235,453	243,295	231,894	221,848	216,406	-2.5%	+0.4%
Juvenile	15,573	14,856	13,725	13,831	13,725	12,508	12,379	12,819	+3.5%	-17.7%
Special	13,929	13,635	14,731	15,009	15,179	15,353	15,671	16,307	+4.0%	+17.0%
TOTAL	462,196	483,793	476,628	481,727	483,296	468,226	459,497	458,843	-0.1%	-0.8%

